

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN - 6 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

GREGORY C. LANGHAM
CLERK

Civil Action No. '08 - CV - 01217 -msk - Kmt

UNITED STATES OF AMERICA,

and

STATE OF COLORADO,

Plaintiffs,

v.

COLORADO STRUCTURES, INC.,

Defendant.

COMPLAINT

COMPLAINT

Plaintiffs, the United States of America, by authority of the Attorney General of the United States, at the request of the Administrator of the United States Environmental Protection Agency (“EPA”) and by and through its undersigned attorneys, and the State of Colorado, by authority of the Colorado Attorney General’s Office, at the request of the Colorado Department of Public Health and Environment, allege as follows:

INTRODUCTION

1. This is a civil action for injunctive relief and civil penalties brought pursuant to the Clean Water Act (“CWA”), 33 U.S.C. § 1319(b) and (d), and the Colorado Water Quality Control Act (“CWQCA”), §§ 25-8-607 and -608, C.R.S., against Colorado Structures, Inc. (“CSI” or “Defendant”) for: (1) violations of the conditions of several permits issued pursuant to 33 U.S.C. § 1342 and §§ 25-8-501 to -503, C.R.S., for the discharge of pollutants from storm water from construction sites in violation of 33 U.S.C. § 1311 and §§ 25-8-501 to -503, C.R.S.; (2) the discharge of pollutants from storm water from construction sites without a permit in violation of 33 U.S.C. § 1311 and § 25-8-501(1), C.R.S.; and (3) failing to provide information in violation of 33 U.S.C. §1318 and § 25-8-304(1), C.R.S.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331, 1345, 1355, 1367, and 33 U.S.C. § 1319(b).

3. Venue is proper in this District pursuant to 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391 and 1395, because CSI is incorporated in and conducts business in this District, and

because certain of the violations occurred in this District.

4. Notice of the commencement of this action has been given to the State of Colorado, the State of California, the State of Nevada, and the State of South Dakota, in accordance with 33 U.S.C. § 1319(b). The State of Colorado is a Co-Plaintiff in this action.

DEFENDANT

5. CSI is incorporated in the State of Colorado, and is a “person” as defined in 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2, and in § 25-8-103(13), C.R.S. of the CWQCA.

6. CSI is a corporation doing business primarily in the western United States. It has completed work in 20 states, including this judicial district. CSI’s principal place of business is in Colorado Springs, Colorado.

7. CSI has constructed and is currently constructing retail and other commercial projects on various pieces of property operated by the company throughout the western United States, including this District. CSI constructs dozens of retail and other commercial projects each year.

STATUTORY AND REGULATORY AUTHORITY

8. The Clean Water Act is designed to restore and maintain the chemical, physical and biological integrity of the nation’s waters. 33 U.S.C. § 1251(a).

9. To accomplish the objectives of the Act, 33 U.S.C. § 1311(a) prohibits the discharge of pollutants by any person except in certain circumstances, including in compliance with a permit issued pursuant to 33 U.S.C. § 1342. See also CWQCA, §§ 25-8-501 to -503,

C.R.S., and the “Colorado Discharge Permit System Regulations,” Regulation No. 61 (5 C.C.R. § 1002-61).

10. Clean Water Act Section 502(12), 33 U.S.C. § 1362(12), defines the term “discharge of a pollutant” as, inter alia, “any addition of any pollutant to navigable waters from any point source.”

11. The Clean Water Act requires a permit for storm water discharges associated with industrial activity. 33 U.S.C. § 1342(p). See also Regulation No. 61 (5 C.C.R. § 1002-61), § 61.3(2).

12. EPA regulations define the term “storm water discharge associated with industrial activity” to include storm water discharges from construction activities, including clearing, grading, and excavation activities, that result in a disturbance of five or more acres of total land area. 40 C.F.R. § 122.26(b)(14)(x). Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five acres. Id.

13. EPA regulations also define the term “storm water discharge associated with small construction activity” to include storm water discharges from construction activities, including clearing, grading, and excavation activities, that result in a disturbance of equal to or greater than one acre and less than five acres. 40 C.F.R. § 122.26(b)(15)(i). Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. Id.

14. In 1992, EPA issued a Final NPDES General Permit for Storm Water Discharges from Construction Sites. 57 Fed. Reg. 41176 (September 9, 1992). EPA has, on various occasions, subsequently modified and reissued this general permit. See 63 Fed. Reg. 7858-7906 (Feb. 17, 1998); 63 Fed. Reg. 36490-36519 (July 6, 1998); 65 Fed. Reg. 25122-25145 (Apr. 28, 2000); 68 Fed. Reg. 39087-39091 (July 1, 2003).

15. Pursuant to the Act, states may issue their own storm water permits if they are authorized by EPA to do so. 33 U.S.C. § 1342(b). Many states, including the states relevant to this Complaint – *specifically*, Colorado, California, South Dakota, and Nevada – are so authorized and have issued their own general permits governing discharges of storm water associated with construction activities. See Colorado General Permit for Storm Water Discharges associated with Construction Activity No. COR - 030000 (the “Colorado General Permit”); California State Water Resources Control Board Order No. 99-08-DWQ, Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction Activity California, NPDES General Permit No. CAS000002 (“California General Permit”); South Dakota General Permit for Storm Water Discharges Associated With Construction Activities No. SDR 10##### (the “South Dakota Permit”); and the Nevada General Permit for Storm Water Associated with Construction Activity No. NVR 100000 (the “Nevada Permit”). (For states that have not been authorized, EPA remains the permitting authority for purposes of the CWA, and the federal general permit applies.) The United States may enforce the state-issued NPDES permit under the CWA, and states may enforce their state-issued permits pursuant to their analogous state laws. The NPDES general permit for storm water discharges associated

with construction activities that applies in a particular state is hereinafter referred to as the “Applicable Permit.”

16. Section 308 of the Clean Water Act, 33 U.S.C. § 1318, requires owners and operators of point sources to submit information to the EPA Administrator as needed to carry out the objectives of the Clean Water Act, including the NPDES permit program of CWA Section 402, 33 U.S.C. § 1342. See also CWQCA §§ 25-8-304(1) and -501(1).

17. Under EPA’s regulations, persons who discharge or who propose to discharge “storm water associated with industrial activity” are required to apply for an individual permit or seek coverage under a promulgated storm water general permit. 40 C.F.R. §§ 122.21(a) & (c), 122.26(c), 122.28. In applying for coverage under a storm water individual or general permit, a potential permittee must provide the necessary information on the basis of which EPA (or the state permitting agency) may evaluate the appropriateness of the issuance of and the terms of any such permit.

18. Under 40 C.F.R. § 122.21(c), a discharger proposing a new discharge of storm water associated with construction activity covered by § 122.26(b)(14)(x) must submit an application for permit coverage 90 days before the date construction is to commence, or by the deadlines provided by the terms of any applicable general permit. 40 C.F.R. § 122.28(b)(2).

19. An owner or operator that engages in construction defined as industrial activity by 40 C.F.R. § 122.26(b)(14)(x) or 40 C.F.R. § 122.26(b)(15)(i) and that seeks coverage under a general permit must submit a Notice of Intent (“NOI”) to be covered by the general permit. 40 C.F.R. §§ 122.2, 122.21, 122.28(b); Federal General Permit, Parts 1-2. (The federal General

Permit further defines an “operator” as a person who either has operational control of construction project plans and specifications or has day-to-day operational control of those activities which are necessary to ensure compliance with permit conditions. Federal General Permit, Appendix A (Definition of “Operator”). See also CWQCA § 25-8-501(1), C.R.S., and Regulation No. 61 (5 C.C.R. § 1002-61), § 61.3(2).)

20. In general, a person described in Paragraph 19 must submit a complete NOI by a specific deadline. The Federal General Permit requires the NOI to be submitted at least seven days prior to the commencement of construction activities. Federal General Permit, ¶¶ 2.1B, 2.3A. The Colorado General Permit, for example, requires the NOI (referred to as an “application”) to be submitted at least ten calendar days prior to the commencement of construction activities. Colorado General Permit, Part 1.A.4.

21. Though they differ in some of the details, in general, under the general permits, any person subject to the permit is required to develop a storm water pollution prevention plan (“SWPPP”). SWPPPs set forth a description of the site and the construction activity to occur there, as well as provide a plan for minimizing and eliminating to the extent feasible discharges of pollutants in storm water associated with those activities. Federal CGP, Parts 3.1.B.2 and 3.4.A. The SWPPP must meet specific requirements and include certain information. Federal CGP, Part 3.

22. A central requirement of the SWPPP is the selection of best management practices (“BMPs”). BMPs are management practices implemented to prevent or reduce the discharge of pollutants to waters of the United States. Federal CGP, Appendix A. These practices include

measures to prevent erosion (such as the scheduling of the project to minimize the amount of land that is being graded at any particular time) and measures to capture sediment before it leaves the site (such as silt fences and sedimentation basins).

23. The permits also require the permittee to implement the SWPPP and to properly operate and maintain the BMPs. Federal CGP, Parts 3.1.D and 3.6.A.

24. The permits impose additional requirements, including, inter alia: inspection of the site during construction, Federal CGP, Part 3.10; maintenance of the SWPPP and sometimes other records at the site, Federal CGP, Part 3.12; and final stabilization of the site followed by termination of permit coverage, Federal CGP, Part 5.1.A.

25. The Act authorizes the Administrator of EPA “to commence a civil action for appropriate relief, including a permanent or temporary injunction,” when any person is in violation of 33 U.S.C. §§ 1311, 1318, or of any permit issued pursuant to 33 U.S.C. § 1342. 33 U.S.C. § 1319(b). The CWQCA authorizes injunctive relief at § 25-8-607, C.R.S.

26. The Act provides, in part, that any person who violates 33 U.S.C. §§ 1311, 1318, or any permit issued pursuant to 33 U.S.C. § 1342, shall be subject to a civil penalty not to exceed \$27,500 per day for each such violation occurring between January 31, 1997 through and including March 15, 2004, and \$32,500 per day for each such violation thereafter. 33 U.S.C. § 1319(d); 69 Fed. Reg. 7121 (Feb 13, 2004) (codified at 40 C.F.R. pt. 19). Section 25-8-608(1), C.R.S., provides that violations of the CWQCA shall be subject to civil penalties not to exceed \$10,000 per day for each violation.

GENERAL ALLEGATIONS

27. During inspections at CSI construction sites starting in 1999, EPA found a failure to obtain coverage under an Applicable Permits and a pattern of failures to comply with the requirements of Applicable Permits for the discharge of storm water from these construction sites. This pattern was evident from inspections of 16 construction sites in four states. Appendix A lists these 16 sites and a summary of the violations discovered there. Four of the sites and their violations are discussed in more detail below.

Colorado Springs Site (Colorado)

28. During March 2002, CSI commenced construction of Wal-Mart Store No. 3582, located in Colorado Springs, Colorado.

29. The construction site for Store No. 3582 comprised more than 30 acres and resulted in the disturbance of at least five (5) acres.

30. CSI had day-to-day operational control of those activities which were necessary to ensure compliance with permit conditions for the construction of Store No. 3582 or otherwise met the definition of operator under 40 C.F.R. § 122.2, the General Permit, and the Colorado General Permit and was therefore required to obtain NPDES permit coverage for the construction activities and then comply with all requirements and conditions for operation under the Act, its regulations, and under the Applicable Permit. 33 U.S.C. § 1342; 40 C.F.R. § 122.21(b).

31. CSI applied for and obtained permit coverage under the Colorado General Permit for the construction of Store No. 3582 on or about January 28, 2002.

32. EPA inspected the construction site for Store No. 3582 on May 14, 2002.

33. During the inspection, EPA observed a number of violations of the Colorado General Permit including but not necessarily limited to inadequate maintenance of BMPs, including: (1) significant gaps between silt fence sections, (2) silt fence downed by construction vehicles, and (3) a dirt pile at curb and upstream from storm water drain. Further, EPA observed that there had been inadequate inspections of the BMPs since the inspection reports failed to identify gaps and holes in silt fences. Further, the EPA inspector observed that a silt fence had been installed in the middle of the creek, therefore allowing silt loading into waters of the United States. Moreover, EPA observed that certain necessary BMPs were inadequate or absent. Also, EPA observed that the SWPPP was inadequate because the plan did not contain: (1) identification of the run-off coefficient before and after construction, (2) an estimate of the percent of vegetative ground cover, (3) areas of soil disturbance, (4) areas of cut and fill, (5) areas used for storage of building materials, soils or waste, and (6) the required signatures.

Evergreen Site (Colorado)

34. During May 2002, CSI commenced construction of Home Depot Store No. 1535, located in Evergreen, Colorado.

35. The construction site for Store No. 1535 resulted in the disturbance of more than 11 acres.

36. CSI had day-to-day operational control of those activities which were necessary to ensure compliance with permit conditions for the construction of Store No. 1535 or otherwise met the definition of operator under 40 C.F.R. § 122.2, the General Permit, and the Colorado General Permit and was therefore required to obtain NPDES permit coverage for the construction

activities and then comply with all requirements and conditions for operation under the Act, its regulations, and under the Applicable Permit. 33 U.S.C. § 1342; 40 C.F.R. § 122.21(b).

37. CSI applied for and obtained permit coverage under the Colorado General Permit for the construction of Store No. 1535 effective on or about April 17, 2002.

38. EPA inspected the construction site for Store No. 1535 on October 17, 2002.

39. During the inspection, EPA observed a number of violations of the Colorado General Permit including but not necessarily limited to: failure to conduct inspections in accordance with permit requirements; failure to install and maintain storm water controls such as a vehicle track out pad, inlet protection, silt fencing to minimize off-site sediment and erosion runoff; and failure to implement additional BMPs during trenching by landscapers.

Saddlerock Site (Colorado)

40. During July 2002, CSI commenced construction of Home Depot Store No. 1528, located at the Saddlerock Marketplace in Aurora, Colorado.

41. The construction site for Store No. 1528 resulted in the disturbance of approximately 14 acres.

42. The construction of Store No. 1528 resulted in the discharge of pollutants including soil, sediment, residues of construction materials and/or other substances involved in construction activities to storm sewers, ditches, or other conveyances that flow into Toll Gate Creek, which is a tributary to Sand Creek, which is a tributary of the South Platte River, and thus into navigable waters within the meaning of the CWA.

43. CSI had day-to-day operational control of those activities which were necessary to

ensure compliance with permit conditions for the construction of Store No. 1528 or otherwise met the definition of operator under 40 C.F.R. § 122.2, the General Permit, and the Colorado General Permit and was therefore required to obtain NPDES permit coverage for the construction activities and then comply with all requirements and conditions for operation under the Act, its regulations, and under the Applicable Permit. 33 U.S.C. § 1342; 40 C.F.R. § 122.21(b).

44. EPA inspected the construction site for Store No. 1528 on October 18, 2002. At that time, CSI had failed to obtain permit coverage under the Colorado General Permit for the construction of Store No. 1528.

Roseville Site (California)

45. During November 2002, CSI began construction of Wal-Mart and Sam's Club Stores No. 1988 and 6621 in Roseville, California.

46. The construction site for Stores No. 1988 and 6621 comprised approximately 57 acres and resulted in the disturbance of at least five (5) acres.

47. CSI had day-to-day operational control of those activities which were necessary to ensure compliance with permit conditions for the construction of Stores No. 1988 and 6621 or otherwise met the definition of operator under 40 C.F.R. § 122.2, the General Permit, and the California General Permit and was therefore required to obtain NPDES permit coverage for the construction activities and then comply with all requirements and conditions for operation under the Act, its regulations, and under the Applicable Permit. 33 U.S.C. § 1342; 40 C.F.R. § 122.21(b).

48. CSI applied for and obtained permit coverage under the California General Permit

for the construction of Stores No. 1988 and 6621 in November 2002.

49. Both EPA and state officials inspected the construction site for Stores No. 1988 and 6621 in January 2003. These inspections revealed that there was an excessive amount of sediment discharging from two outfalls at the site into vernal pools within the Highland Reserve South Open Space Preserve.

50. EPA and state inspectors concluded that the discharge of excessive sediments to the vernal pools was the result of ineffective and inadequate BMPs at the construction site for Stores No. 1988 and 6621, in violation of the California General Permit. In addition, EPA and state inspectors concluded that the SWPPP for the construction site was inadequate because it failed to identify sufficient erosion and sediment control measures in violation of the California General Permit.

FIRST CLAIM FOR RELIEF

CSI VIOLATED THE REQUIREMENTS OF THE APPLICABLE GENERAL PERMITS

51. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 50.

52. CSI violated the terms and conditions of several permits issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342: the Federal General Permit, the Colorado General Permit, the California General Permit, the South Dakota General Permit, and the Nevada General Permit at 15 construction sites listed at Appendix A. The 15 construction sites are: Castle Rock Site (Castle Rock, Colorado/ Wal-Mart Store No. 984; Commerce City Site (Commerce City, Colorado/ Wal-Mart Store No. 2752; Cortez Site (Cortez, Colorado/ Wal-Mart Store No. 966);

Pueblo Site (Pueblo, Colorado/ Wal-Mart Store No. 1001); Fort Morgan Site (Fort Morgan, Colorado/ Wal-Mart Store No. 5033); Aurora-S. Chambers Rd. Site (Aurora, Colorado/ Wal-Mart Store No. 1689); Aurora-Abilene St. Site (Aurora, Colorado/ Wal-Mart Store No. 6631); Aurora-E. Hampden Ave. Site (Aurora, Colorado/ Wal-Mart Store No. 3566); Colorado Springs Site (Colorado Springs, Colorado/ Wal-Mart Store No. 3582); Sioux Falls Site (Sioux Falls, South Dakota/ Wal-Mart Store No. 3237); Roseville Site (Roseville, California/ Wal-Mart Stores No. 1988/6621); Littleton Site (Littleton, Colorado/ Wal-Mart Store No. 5049); Pioneer Hills-Aurora Site (Aurora, Colorado/ Home Depot Store No. 1523); Evergreen Site (Evergreen, Colorado/ Home Depot Store No. 1535); and Carson City Site (Carson City, Nevada/ Wal-Mart Store No. 1648).

53. Unless enjoined, these violations will continue or will recur at other construction sites.

54. Pursuant to 33 U.S.C. § 1319(d), CSI is liable for injunctive relief and civil penalties of up to \$27,500 per day for each such violation occurring between January 31, 1997 through and including March 15, 2004.

55. Pursuant to Colorado law, CSI is liable for injunctive relief and civil penalties of not more than \$10,000 per day for each violation during the aforementioned time period that occurred at a site within Colorado that is listed on Appendix A.

SECOND CLAIM FOR RELIEF

CSI DISCHARGED POLLUTANTS IN STORMWATER WITHOUT
AN APPLICABLE PERMIT

56. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 55.

57. CSI discharged pollutants in storm water to waters of the United States without coverage under an Applicable Permit at the Saddlerock Site (Saddlerock, Colorado/ Home Depot Store No. 1528), as described in Paragraphs 40-44, above, and in violation of Section 301 of the CWA, 33 U.S.C. § 1311, and EPA's storm water regulations.

58. Unless enjoined, these violations will continue or will recur at other construction sites.

59. Pursuant to 33 U.S.C. § 1319(d), CSI is liable for injunctive relief and civil penalties of up to \$27,500 per day for each such violation occurring between January 31, 1997 through and including March 15, 2004.

60. Pursuant to Colorado law, CSI is liable for injunctive relief and civil penalties of not more than \$10,000 per day for each violation during the aforementioned time period that occurred at a site within Colorado that is listed on Appendix A.

THIRD CLAIM FOR RELIEF

CSI FAILED TO SUBMIT THE INFORMATION TO OBTAIN COVERAGE
UNDER A STORM WATER PERMIT

61. Plaintiffs reallege and incorporate by reference Paragraphs 1 through 60.

62. Pursuant to 40 C.F.R. §§ 122.21(a), 122.26(c), and 122.28(a), CSI should have applied for NPDES permit coverage before the discharge of any storm water associated with its

construction activities at the Saddlerock Site (Aurora, Colorado/ Home Depot Store No. 1528), and should have submitted a complete Notice of Intent (“NOI”) to be covered under the Colorado General Permit for its construction activities at the site prior to any discharge of storm water.

63. CSI failed to submit the information necessary to obtain coverage under the Colorado General Permit for the discharge of storm water associated with construction activities at the Saddlerock Site (Aurora, Colorado/ Home Depot Store No. 1528), as described in Paragraphs 40-44, and as required by Section 308 of the CWA, 33 U.S.C. § 1318, and EPA’s storm water regulations.

64. Unless enjoined, these violations will continue or will recur at other construction sites.

65. Pursuant to 33 U.S.C. § 1319(d), CSI is liable for injunctive relief and civil penalties of up to \$27,500 per day for each such violation occurring between January 31, 1997 through and including March 15, 2004.

66. Pursuant to Colorado law, CSI is liable for injunctive relief and civil penalties of not more than \$10,000 per day for each violation that occurred during the aforementioned time period at a site within Colorado that is listed on Appendix A.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs the United States of America and the State of Colorado respectfully request that this Court:

A. Order CSI to comply with the terms of the Clean Water Act and the conditions of permits at construction sites, including by, among other things, the development and

implementation of appropriate SWPPPs, the application of BMPs to minimize or eliminate discharges of pollutants from the site, and the implementation of corporate policies designed to achieve and assure compliance with the Applicable Permit and the CWA;

B. Assess civil penalties against CSI of up to \$27,500 per day for each violation of the Clean Water Act occurring between January 31, 1997 through and including March 15, 2004, and not more than \$10,000 per day for each violation during the aforementioned time period of CWQCA that occurred at a site within Colorado that is listed on Appendix A;


C. Award the United States and Colorado their costs and disbursements in this action; and

D. Grant any such further relief as this Court deems just and proper.

Respectfully submitted,


FOR THE UNITED STATES OF AMERICA:

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Respectfully submitted,

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Appendix A

Summary of Alleged Storm Water Violations Against CSI

Site Location	State	List of Violations	Facility Constructed
Castle Rock	CO	<ul style="list-style-type: none">- failure to prepare an adequate SWPPP- failure to install/implement storm water control- failure to maintain storm water control- failure to inspect	Wal-Mart Store No. 984
Commerce City	CO	<ul style="list-style-type: none">- failure to prepare an adequate SWPPP- failure to maintain storm water control- failure to inspect	Wal-Mart Store No. 2752
Cortez	CO	<ul style="list-style-type: none">- failure to prepare an adequate SWPPP- failure to install/implement storm water control- failure to inspect	Wal-Mart Store No. 966
Colorado Springs	CO	<ul style="list-style-type: none">- failure to install/implement storm water control- failure to maintain storm water control- failure to inspect	Wal-Mart Store No. 3582
Pueblo	CO	<ul style="list-style-type: none">- failure to prepare an adequate SWPPP- failure to install/implement storm water control- failure to maintain storm water control- failure to inspect	Wal-Mart Store No. 1001
Fort Morgan	CO	<ul style="list-style-type: none">- failure to install/implement storm water control- failure to maintain storm water control- failure to prepare an adequate SWPPP	Wal-Mart Store No. 5033
Aurora-Abilene St.	CO	<ul style="list-style-type: none">- failure to prepare an adequate SWPPP- failure to implement storm water control	Wal-Mart Store No. 6631

Aurora-S. Chambers Rd.	CO	<ul style="list-style-type: none"> - failure to prepare an adequate SWPPP - failure to install/implement storm water control - failure to maintain storm water control 	Wal-Mart Store No. 1689
Aurora-E. Hampden Ave.	CO	<ul style="list-style-type: none"> - failure to install/implement storm water control - failure to maintain storm water control 	Wal-Mart Store No. 3566
Littleton	CO	<ul style="list-style-type: none"> - failure to maintain storm water controls - failure to implement SWPPP on subcontractor certification records and updating "living map" 	Wal-Mart Store No. 5049
Carson City	NV	<ul style="list-style-type: none"> - failure to prepare an adequate SWPPP - failure to install/implement storm water control - failure to maintain storm water control - discharged sediment-laden storm water into Clear Creek, a perennial tributary to Carson River 	Wal-Mart Store No. 1648
Sioux Falls	SD	<ul style="list-style-type: none"> - failure to maintain a complete SWPPP (signatory requirement) - failure to install/implement storm water control 	Wal-Mart Store No. 3237
Roseville	CA	<ul style="list-style-type: none"> - failure to install/implement storm water control - discharged sediment-laden storm water into vernal pools within a Preserve 	Wal-Mart Store No. 1988/6621
Pioneer Hills	CO	<ul style="list-style-type: none"> - failure to install/implement storm water control - failure to maintain storm water control 	Home Depot Store No. 1523
Evergreen	CO	<ul style="list-style-type: none"> - failure to install/implement storm water control - failure to maintain storm water control - failure to inspect 	Home Depot Store No. 1535
Saddlerock	CO	<ul style="list-style-type: none"> - failure to obtain permit/ discharge without a permit 	Home Depot Store No. 1528